

CAUSE NO. 22-0107CV

MARY GLOVER,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
vs.	§	278 th JUDICIAL DISTRICT
	§	
	§	
PILOT TRAVEL CENTERS LLC,	§	
PTCAA TEXAS, LP, and	§	
GREENAMERICA BIOFUELS LLC	§	
	§	
Defendant.	§	LEON COUNTY, TEXAS

INDEX

1. 2022.05.03 Plaintiff's Original Petition with Jury Demand
2. 2022.06.01 Citation served on Pilot Travel Centers, LLC
3. 2022.06.17 Citation served on PTCAA Texas, LP
4. 2022.06.24 Defendants Pilot's & PTCAA's Original Answer

TAB 1

CAUSE NO. 22-0107CV

MARY GLOVER	§	IN THE DISTRICT COURT
	§	
	§	
VS.	§	LEON COUNTY, TEXAS
	§	
PILOT TRAVEL CENTERS LLC,	§	
PTCAA TEXAS, LP and	§	
GREENAMERICA BIOFUELS LLC	§	278TH _____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, MARY GLOVER, hereinafter referred to as Plaintiff, complaining of PILOT TRAVEL CENTERS LLC, PTCAA TEXAS, LP and GREENAMERICA BIOFUELS LLC, hereinafter referred to as Defendants, and for cause of action would respectfully show unto this Honorable Court as follows:

I. DISCOVERY CONTROL PLAN

Plaintiff requests discovery be conducted under Level 3 as set forth in the Texas Rules of Civil procedure.

II. VENUE

Plaintiff is an individual residing in Montgomery County, Texas.

Defendant, PILOT TRAVEL CENTERS LLC, is a foreign entity doing business in Texas. This Defendant may be served with due process herein by serving its registered agent CT CORPORATION SYSTEM at 1999 Bryan Street, Suite 900, Dallas, Texas 75201. **Please create a citation for this defendant at this time.**

Defendant, PTCAA TEXAS, LP, is a domestic Texas entity doing business in Texas. This Defendant may be served with due process herein by serving its registered agent CT CORPORATION SYSTEM at 1201 Main Street, Houston, Texas 77002. **Please create a citation for this defendant at this time.**

Defendant, GREENAMERICA BIOFUELS, LLC, is a foreign entity doing business in Texas. This Defendant may be served with due process herein by serving its registered agent CT CORPORATION SYSTEM at 1999 Bryan Street, Suite 900, Dallas, Texas 75201. **Please create a citation for this defendant at this time.**

Venue is proper in Leon County, Texas because all or a substantial part of the events or omissions giving rise to this cause of action occurred in Leon County, Texas.

III. FACTS

On or about September 13, 2020, Plaintiff suffered a fall and injury within Defendants' premises located at 2605 West Commerce Street, Buffalo, Texas. Specifically, on that date, Plaintiff tripped and fell over a counter mat that had been knocked off the counter onto the floor. This fall caused Plaintiff to sustain serious bodily injuries. The premise in questions was managed, owned and/or operated by Defendants, PILOT TRAVEL CENTERS LLC, PTCAA TEXAS, LP and GREENAMERICA BIOFUELS, LLC.

IV. CAUSES OF ACTION

Under the theory of premises liability, Defendants were the owner and occupier of the premise and created an unreasonably dangerous condition by negligently failing to pick the counter mat up off the floor, yet instead, Defendants allowed it to remain on the floor after they knew of the condition. Defendants knew, or should have known, that the counter mat on the ground created an unreasonably dangerous condition, Defendants failed to adequately warn

Plaintiff of the condition, and Defendants failed to remedy the condition proximately causing Plaintiff to injure herself. This negligence of Defendants was the proximate cause of Plaintiff's injuries.

Additionally, Defendants are also liable under the theory of negligence for negligent maintenance of the store.

Each of these acts and omissions, singularly or in combination with others constitute negligence and negligence per se, which proximately caused the occurrence made the basis of this action for the injuries and damages to Plaintiff.

V. DAMAGES

As a direct and proximate result of the negligence of Defendants, Plaintiff has suffered injuries to her left knees, neck, back, and other parts of her body. These injuries incurred by Plaintiff have caused her to suffer injuries and damages in the past which, in all probability, will continue into the future, including:

- a) Physical pain and suffering and mental anguish, in the past and into the future;
- b) Reasonable and necessary expenses for medical care in the past and future;
- c) Disfigurement in the past and future;
- d) Physical impairment in the past and future; and
- e) Loss of earning capacity in the past and future.

Plaintiff's damages were proximately caused by the negligence of Defendants.

To the extent that Plaintiff had any pre-existing condition at the time of the occurrence in question, the same was not disabling, and she would respectfully show that such pre-existing condition, if any, was aggravated by the incident.

Plaintiff's damages are in excess of the minimum jurisdictional limits of this Court.

Plaintiff seeks damages in an amount to be determined by the jury in this cause in excess of the minimal jurisdictional limits of this court.

In accordance with Texas Rules of Civil Procedure, Plaintiff specifically seeks monetary relief over \$1,000,000.00.

VI. NOTICE

Plaintiff hereby gives notice of intent to utilize items produced in discovery in the trial of this matter and the authenticity of such items is self-proven per the *Texas Rules of Civil Procedure* 193.7.

VII. JURY DEMAND

Plaintiff demands a jury trial and has tendered the appropriate fee.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that all Defendants be cited to appear and answer herein, and that upon final trial thereof, Plaintiff have judgment against Defendants, jointly and severally, for an amount in excess of the jurisdictional limits of this Court, together with pre-judgment and post-judgment interest, costs of court and for such other and further relief to which Plaintiff may show herself justly entitled.

Respectfully submitted,

SCHECHTER, SHAFFER & HARRIS, L.L.P.

/s/ Adam J. Rosenfeld

ADAM J. ROSENFELD
Texas Bar No. 24067848
3200 Travis, 3rd Floor
Houston, TX 77006
TEL: (713) 524-3500
FAX: (866) 678-0789
ajrosenfeldsrv@smslegal.com
ATTORNEY FOR PLAINTIFF

TAB 2



Service of Process Transmittal Summary

TO: Kristin Seabrook, General Counsel
Pilot Flying J
5508 Lonas Dr
Knoxville, TN 37909-3221

RE: Process Served in Texas

FOR: Pilot Travel Centers LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: MARY GLOVER // To: Pilot Travel Centers LLC

CASE #: 220107CV

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition

PROCESS SERVED ON: C T Corporation System, Dallas, TX

DATE/METHOD OF SERVICE: By Process Server on 06/01/2022 at 01:49

JURISDICTION SERVED: Texas

ACTION ITEMS: CT will retain the current log
Image SOP
Email Notification, Kristin Seabrook Kristin.Seabrook@pilottravelcenters.com

REGISTERED AGENT CONTACT: C T Corporation System
1999 Bryan Street
Suite 900
Dallas, TX 75201
866-401-8252
EastTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



PROCESS SERVER DELIVERY DETAILS

Date: Wed, Jun 1, 2022
Server Name: Kenneth Frechette

Entity Served	PILOT TRAVEL CENTERS LLC
Case Number	22-0107cv
Jurisdiction	TX

Inserts		



CITATION FOR PERSONAL SERVICE — EITHER COURT — Class 3

THE STATE OF TEXAS

TO: PILOT TRAVEL CENTERS, LLC
BY SERVING ITS REGISTERED AGENT:
CT CORPORATION SYSTEM
1999 BRYAN STREET, SUITE 900
DALLAS, TEXAS 75201

CAUSE# 22-0107CV

Defendant, Greeting:

YOU ARE HEREBY COMMANDED to appear before the Honorable 278TH District Court of Leon County, Texas, at the Courthouse of said county in Centerville, Texas, by filing a written answer at or before 10:00 o'clock a.m. of the Monday next after the expiration of TWENTY days after the date of service of this citation on PLAINTIFF'S ORIGINAL PETITION filed on the 3RD day of MAY, 2022 numbered 22-0107CV on the docket of said court, and styled.

MARY GLOVER

PLAINTIFF

VS.

PILOT TRAVEL CENTERS, LLC,
PTCAA TEXAS, LP AND
GREENAMERICA BIOFUELS, LLC

DEFENDANTS

The Name and Address of the Attorney for the Plaintiff:

ADAM J. ROSENFELD
ATTORNEY AT LAW
3200 TRAVIS, 3RD FLOOR
HOUSTON, TEXAS 77006

The nature of the Plaintiff's demand is set out and shown by a true and correct copy of the PLAINTIFF'S ORIGINAL PETITION accompanying this citation and made a part thereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Issued and given under my hand and the seal of said court at Centerville, Texas, this 4TH day of MAY, 2022.

Attest:

Cassandra Noey
Clerk 87TH, 278TH, 369TH District Court
Leon County, Texas

By:

Carol Johnson Deputy
Address of Clerk: Cassandra Noey
Leon County District Clerk
P.O. Box 39
Centerville, Texas 75833

SHERIFF'S RETURN

Came to hand on the _____ day of _____, 2022, at _____ o'clock _____ M., and executed in _____ County, Texas, by delivering to the within named defendants, to-wit: _____, at _____ o'clock _____ M., _____, 2022 each, in person, a true and copy of this citation with a true and correct copy of this petition attached thereto having first endorsed on such copy of said citation the date of delivery.

FEES:

For serving this citation.....\$ _____

To certify which witness my hand officially.

Subscribed and sworn to by _____ before me, the undersigned authority, this _____ day of _____ A.D., 2022.

Sheriff of _____, Texas

By _____, Deputy

CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to _____, on the _____ day of _____, 2022, at _____ o'clock _____ m., copy of this instrument. _____ COUNTY SHERIFF, TEXAS

BY DEPUTY: _____

TAB 3



Service of Process Transmittal Summary

TO: Kristin Seabrook, General Counsel
Pilot Flying J
5508 Lonas Dr
Knoxville, TN 37909-3221

RE: Process Served in Texas

FOR: PTCAA Texas, L.P. (Domestic State: TX)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: MARY GLOVER // To: PTCAA Texas, L.P.

CASE #: 220107CV

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition

PROCESS SERVED ON: C T Corporation System, Dallas, TX

DATE/METHOD OF SERVICE: By Process Server on 06/17/2022 at 12:20

JURISDICTION SERVED: Texas

ACTION ITEMS: CT will retain the current log
Image SOP
Email Notification, Kristin Seabrook Kristin.Seabrook@pilottravelcenters.com

REGISTERED AGENT CONTACT: C T Corporation System
1999 Bryan Street
Suite 900
Dallas, TX 75201
866-401-8252
EastTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



PROCESS SERVER DELIVERY DETAILS

Date: Fri, Jun 17, 2022
Server Name: Kenneth Frechette

Entity Served	PTCCA Texas, LP
Case Number	22-0107cv
Jurisdiction	TX

Inserts		



CITATION FOR PERSONAL SERVICE — EITHER COURT — Class 3

THE STATE OF TEXAS

TO: PTCAA TEXAS, LP
BY SERVING ITS REGISTERED AGENT:
CT CORPORATION SYSTEM
1201 MAIN STREET
HOUSTON, TEXAS 77002

CAUSE# 22-0107CV

Defendant, Greeting:

YOU ARE HEREBY COMMANDED to appear before the Honorable 278TH District Court of Leon County, Texas, at the Courthouse of said county in Centerville, Texas, by filing a written answer at or before 10:00 o'clock a.m. of the Monday next after the expiration of TWENTY days after the date of service of this citation on PLAINTIFF'S ORIGINAL PETITION filed on the 3RD day of MAY, 2022 numbered 22-0107CV on the docket of said court, and styled.

MARY GLOVER

PLAINTIFF

VS.

PILOT TRAVEL CENTERS, LLC,
PTCAA TEXAS, LP AND
GREENAMERICA BIOFUELS, LLC

DEFENDANTS

The Name and Address of the Attorney for the Plaintiff:

ADAM J. ROSENFELD
ATTORNEY AT LAW
3200 TRAVIS, 3RD FLOOR
HOUSTON, TEXAS 77006

The nature of the Plaintiff's demand is set out and shown by a true and correct copy of the PLAINTIFF'S ORIGINAL PETITION accompanying this citation and made a part thereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Issued and given under my hand and the seal of said court at Centerville, Texas, this 4TH day of MAY, 2022.

Attest:

Cassandra Noey
Clerk 87TH, 278TH, 369TH District Court
Leon County, Texas

By:

Carol Johnson Deputy
Address of Clerk: Cassandra Noey
Leon County District Clerk
P.O. Box 39
Centerville, Texas 75833

SHERIFF'S RETURN

Came to hand on the _____ day of _____, 2022, at _____ o'clock _____ M., and executed in _____ County, Texas, by delivering to the within named defendants, to-wit: _____, at _____ o'clock _____ M., _____, 2022 each, in person, a true and copy of this citation with a true and correct copy of this petition attached thereto having first endorsed on such copy of said citation the date of delivery.

FEES:

For serving this citation.....\$ _____

To certify which witness my hand officially.

Subscribed and sworn to by _____ before me, the undersigned authority, this _____ day of _____ A.D., 2022.

Sheriff of _____, Texas

By _____, Deputy

CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to _____, on the _____ day of _____, 2022, at _____ o'clock _____ m., copy of this instrument. _____ COUNTY SHERIFF, TEXAS

BY DEPUTY: _____

TAB 4

CAUSE NO. 22-0107CV

MARY GLOVER,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
vs.	§	278 th JUDICIAL DISTRICT
	§	
	§	
PILOT TRAVEL CENTERS LLC,	§	
PTCAA TEXAS, LP, and	§	
GREENAMERICA BIOFUELS LLC	§	
	§	
Defendant.	§	LEON COUNTY, TEXAS

DEFENDANTS' ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF THIS COURT:

COME NOW, PILOT TRAVEL CENTERS LLC and PTCAA TEXAS, LP (“Defendants”), and file this their Original Answer to the Original Petition filed by Plaintiff Mary Glover (“Plaintiff”). In support thereof, Defendants would show unto the Court as follows:

I.
GENERAL DENIAL

1. Defendants generally deny each and every material allegation contained in Plaintiff’s Original Petition and demand that Plaintiff prove Plaintiff’s allegations by a preponderance of the evidence, if Plaintiff is able to do so.

II.
AFFIRMATIVE DEFENSES AND OTHER PLEAS

2. Defendants owed no duty to Plaintiff because the alleged condition was open and obvious and/or was already known to Plaintiff before Plaintiff’s alleged fall. *See Austin v. Kroger Texas, LP*, 465 S.W.3d 193 (Tex. 2015).

3. Defendants would further show that Defendants are not liable to Plaintiff because Defendants had no notice of the alleged condition. *See Wal-Mart Stores, Inc. v. Reece*, 81 S.W.3d 812 (Tex. 2003).

4. Defendant PTCAA Texas, LP would further show that it is not liable to Plaintiff because it did not exercise control over the area where the incident allegedly occurred. *See Shell Oil Co. v. Khan*, 138 S.W.3d 288, 292-93 (Tex. 2004).

5. Defendants would further show that they are not liable to Plaintiff because Defendants' acts/omissions, if any, did no more than furnish a condition that merely made Plaintiff's injuries possible.

6. Defendants would further show that Plaintiff was negligent, and such negligence on the part of the Plaintiff proximately caused or contributed to the accident and the Plaintiff's damages, if any. Specifically, Plaintiff failed to keep a proper lookout for Plaintiff's surroundings, ignored obvious warning signs, and/or voluntarily encountered an open and obvious condition.

7. Defendants would further show that they intend to rely upon §41.0105 of the TEXAS CIVIL PRACTICE & REMEDIES CODE, which limits recovery of medical expenses to those actually paid and incurred.

8. Defendants would further show that, in the unlikely event that there is a judgment or that a party becomes a settling person, Defendants intend to rely upon the provisions of Chapters 32 and 33 of the TEXAS CIVIL PRACTICE & REMEDIES CODE regarding, among other things, determining credits and/or percentage findings of fault of the parties, reduction of the jury verdict, if any, by the percentage of fault attributed to the Plaintiff, the bar for recovery by Plaintiff if the percentage of responsibility assessed to Plaintiff exceeds 50%, a reduction for any settlement credits, and the allocation of responsibility to any settling person or Responsible Third Party.

9. Defendants would further show that in the unlikely event that a judgment is entered against it, any pre-judgment interest recoverable in the case should be limited in accordance with § 304.101, et. seq., TEXAS FINANCE CODE, and § 41.007, TEXAS CIVIL PRACTICE & REMEDIES CODE.

10. Defendants would further show that Plaintiff may not recover for lost earnings, lost earning capacity, or loss of pecuniary value except as presented in the form of a net loss after reduction for income tax payments or unpaid tax liability in accordance with TEXAS CIVIL PRACTICE & REMEDIES CODE § 18.091.

11. Defendants would further show that Plaintiff's alleged injuries, if any, were the result of a pre-existing medical condition and/or an injury sustained after the incident made the basis of this suit.

III. **RULE 193.7 NOTICE**

12. Pursuant to TEX. R. CIV. P. 193.7, Defendants hereby give actual notice that Defendants intend to use any and all documents produced in this matter by any party in pretrial proceedings and/or trial.

WHEREFORE, PREMISES CONSIDERED, Defendants pray that Plaintiff take and recover nothing by Plaintiff's action herein and that Defendants recover their costs, and for such other and further relief, both at law and in equity, to which Defendants may show themselves to be justly entitled.

Respectfully submitted,

/s/ Michael B. Jones

Michael B. Jones, SBN 24002375

MJones@CanterburyLaw.com

Austin H. Moorman, SBN 24102928

AMoorman@CanterburyLaw.com

CANTERBURY, PC

4851 LBJ Freeway, Suite 301

Dallas, Texas 75244

(972) 239-7493 – Telephone

(972) 490-7739 – Facsimile

ATTORNEYS FOR DEFENDANTS

PILOT TRAVEL CENTERS LLC

and PTCAA TEXAS, LP

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument and each attachment thereto was served upon the following attorneys of record and all parties not represented in the above cause in accordance with Rule 21a, Texas Rules of Civil Procedure, on this the 24th day of June, 2022.

Adam J. Rosenfeld

ajrosenfeldsrv@smslegal.com

SCHECHTER, SHAFFER & HARRIS, L.L.P.

3200 Travis, 3rd Floor

Houston, TX 77006

TEL: (713) 524-3500

FAX: (866) 678-0789

Counsel for Plaintiff

/s/ Michael B. Jones

Michael B. Jones

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Susan Horton on behalf of Mike Jones
Bar No. 24002375
SHorton@CanterburyLaw.Com
Envelope ID: 65752521
Status as of 6/24/2022 11:53 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Michael BJones		mjones@canterburylaw.com	6/24/2022 11:45:34 AM	SENT
Austin Moorman		AMoorman@CanterburyLaw.Com	6/24/2022 11:45:34 AM	SENT
Susan Horton		shorton@canterburylaw.com	6/24/2022 11:45:34 AM	SENT